

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 14368, of Roy L. Kaufmann, et al., pursuant to Sub-section 8207.2 of the Zoning Regulations, for a special exception under Paragraph 4101.44 to use the subject premises as law offices in an SP-2 District at premises 1119 - 12th Street, N.W., (Square 315, Lot 804).

HEARING DATE: December 11, 1985

DECISION DATE: December 11, 1985 (Bench Decision)

FINDINGS OF FACT:

1. The subject property is located on the east side of 12th Street between Massachusetts Avenue and M Street, N.W. and is known as premises 1119 - 12th Street, N.W. It is in an SP-2 District.

2. The subject property is flat and rectangular in shape but for an edge cut off of one corner to accommodate a public alley. There is approximately 2,000 square feet of land area. The site is improved with a vacant, brick building constructed around 1890. The building has a front sections of three stories, and a back section of three stories, both sections connected with a two-story "walk-way". The building contains approximately 3700 square feet of floor area, a floor area ratio below 2.2.

3. To the north, the subject structure abuts a similar three-story brick structure used as offices, followed by an eight-story apartment house followed by a similar apartment house at the southeast corner of the intersection of 12th and M Streets. To the south is a ten foot public alley and a ten story apartment house at the northeast corner of the intersection of Massachusetts Avenue and 12th Street. To the east, immediately adjoining the site at the rear, is a ten foot public alley followed by the rear yards of an apartment house and row dwellings with frontage on the 11th Street, N.W. To the west, directly across 12th Street from the subject property, is a church.

4. All of the subject square is zoned SP-2. There are three SP office structures within the subject square, one of those structures being the structure abutting the subject premises to the north, said structure having been granted a special exception in Application No. 13854, dated February 17, 1983, to be used as law offices.

5. The subject property was used as a residence until World War II, when it was converted into a rooming house. It had been used as a rooming house until about 1978, since which time it has been vacant.

6. The applicant proposes to use all floors of the existing structure as law offices. Interior renovations will be necessary to convert a residential structure to office use. There are no renovations or additions to the exterior apart from the raising of the roof on the two-story walk-way. The applicant proposes to restore the structure's facade to its approximate original condition and to place an outside lamp-post and waisthigh iron, ornamental fencing on the outside, and higher ornamental fencing to enclose a bay-window area to the south of the two-story walkway. The applicant may provide a exterior bronze or brass-colored plaque to identify the offices.

7. The hours of operation are from 8:30 A.M. to 10:00 P.M.

8. Approximately seven individuals will occupy the structure. Five will arrive by public transportation and two will arrive in two vehicles. There are two off-street parking spaces at the rear of the subject property which will be used for visitor parking.

9. Most of the applicant's clients are small businesses. Consultation is done by phone. There are few office visits.

10. Ample on-street parking exists on the surrounding streets and there are public parking lots in the vicinity.

11. Public transportation is adequate in the area by bus and subway.

12. The Office of Planning (OP) by report dated December 4, 1985, made no recommendation on the application because of the scarcity of record at the time the OP report was done. The OP noted its concern about parking. The Board finds that parking issues had been addressed by the applicant at the public hearing. In the aforementioned Order No. 13854, the site immediately north of the subject site, the OP had reported that the law office use was consistent with surrounding uses and was compatible with the mixed height, bulk and diverse architectural style of the neighborhood. The OP reported that approval of the application would result in the restoration of a vacant deterioration structure which can not compete as a residential in the SP District given the 2.2 FAR of the structure. The Board concurred in the OP's findings and its recommendation in that case.

13. Advisory Neighborhood Commission 2C made no recommendation on the application.

14. There was no opposition to the application at the public hearing or of record.

15. There were several letters of record in support of the application. No grounds for the support were expressed.

CONCLUSIONS OF LAW AND OPINION:

Based on the foregoing findings of fact and the evidence of record, the Board concludes that the applicant is seeking a special exception, the granting of which requires compliance with the requirements of Paragraph 4101.44 of the Zoning Regulations, a showing that the proposed use can be permitted without an adverse impact on the use of the neighboring property and a showing that the proposed use is in harmony with the general purpose and intent of the Zoning Regulations and Map. The Board concludes that the applicant has met the requirements of Paragraph 4101.44 in that the proposed use and structure are in harmony with existing uses and structures on neighboring property. The subject structure was built prior to the adoption of the present Zoning Regulations and contains a height and bulk which is less than that currently permitted in the SP-2 District. The applicant proposes to maintain the structure by renovating the interior and restoring the exterior. Other SP type offices exist in the subject square. The Board concludes the proposed use will not create dangerous or other objectionable traffic conditions because of the small number of persons who will work at the premises and the provision for off-street parking. Public transportation adequately serves the area and there are off-street parking lots in the vicinity.

The Board concludes that the relief requested can be granted as in harmony with the purpose and intent of the Zoning Regulations and will not tend to affect adversely the use of neighboring property. Accordingly, it is ORDERED that the application is GRANTED SUBJECT to the following CONDITIONS:

1. The premises shall be occupied solely by the law offices of Roy L. Kaufmann.
2. Any sign shall be limited to a brass or goldtone plaque, no larger than one square foot in area.

VOTE: 3-0 (William F. McIntosh, Maybelle T. Bennett and Charles R. Norris to grant; Carrie L. Thornhill not voting, not having heard the case; Douglas J. Patton not present, not voting).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY:



CECIL B. TUCKER
Acting Executive Director

FINAL DATE OF ORDER: 04 MAR 1986

UNDER SUB-SECTION 8204.3 OF THE ZONING REGULATIONS, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS.

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